

MARYLAND DEPARTMENT OF HEALTH

RESIDENTIAL SERVICE AGENCIES - INITIAL LICENSE PROCESS

Office of Health Care Quality

2019

Overview of Presentation ---

- Overview of Office of Health Care Quality (OHCQ)
- Residential Service Agencies (RSA)
- Licensure Application Process
- Policies and Procedures
- Provisional Licensing
- Survey Process

Mission, Function, Organization

Office of Health Care Quality

OHCQ Mission



To protect the health and safety of Marylanders, and to ensure there is public confidence in the health care and community service delivery systems.

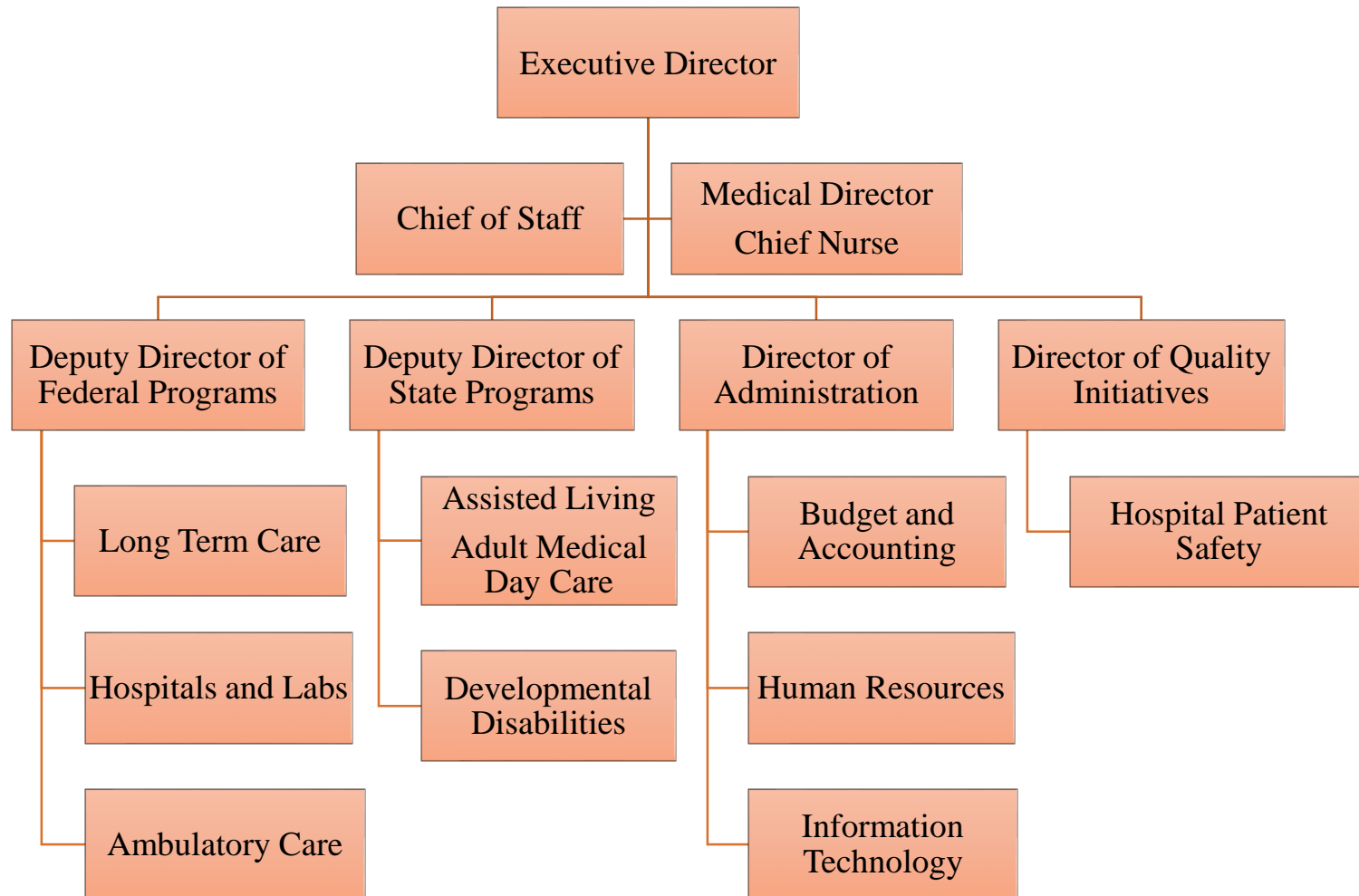


MARYLAND
Department of Health

OHCQ Function

- Issue licenses, authorizing the operation of a business in Maryland
- Recommend certifications to CMS, authorizing participation in Medicare/Medicaid programs
- Conduct surveys to determine compliance with State and federal regulations, which set minimum standards for the delivery of care
- Educate providers, consumers, and other stakeholders

OHCQ Organization



OHCQ Oversight

- Birthing Centers
- Comprehensive Outpatient Rehab Facilities
- Cosmetic Surgery Centers
- Freestanding Renal Dialysis Centers
- Health Care Staff Agencies
- Home Health Agencies
- Hospices, Hospice Houses
- Major Medical Equipment Providers
- Residential Service Agencies (RSA)
- Nurse Referral Agencies
- Outpatient Physical Therapy Providers
- Portable X-Ray Providers
- Surgical Abortion Facilities

Provider types – Assisted Living, Long-term Care

OHCQ Oversight

- Assisted Living Facilities
- Adult Medical Day Care
- Nursing Homes
- Intermediate Care Facilities
- Forensic Residential Services

OHCQ Oversight

- Physician Office and Point-of-Care (state and federal)
- Federal Waived Labs
- Independent Reference Labs
- Hospital Labs
- Cholesterol Testing Sites
- Health Awareness Test Sites
- Tissue Banks
- Public Health Testing
- Forensic Labs
- Employer Testing Labs

OHCQ Oversight

- Habilitation Services
- Individual and Family Support Services
- Group Homes
- Intensive Treatment Programs
- DD Respite Services

OHCQ Oversight

- Patient Safety Programs
- Freestanding Medical Facilities
- HMOs
- Hospitals
- Correctional Health Care Facilities
- Residential Treatment Centers
- Federally Qualified Health Centers
- Community Mental Health Centers

Why are there regulators? ---



Overview

Residential Service Agencies

Residential Service Agency —

- Business that employs or contracts with individuals to provide at least one home health care service for compensation to an unrelated sick or disabled individual
 - Excludes home health agencies, Medicaid personal care providers, and household or family support services
- Two types of RSAs:
 - Skilled Nursing with Aides
 - Other

Skilled Nursing with Aides ---

- **Level 1:** Registered Nurse (RN) supervision of aides to provide personal care without medication management
- **Level 2:** RN supervision of aides to provide personal care with medication management
- **Level 3:** Complex care provided by RNs, Licensed Practical Nurses (LPN), and supervision of aides

RSA Others

- Examples:
 - **Durable Medical Equipment (DME)**
 - wheelchairs, CPAP machines, and oxygen tanks
 - **Rehab**
 - Physical, occupational, and speech therapies
 - **RNs and LPNs** can provide care without aides under a RSA Others license.

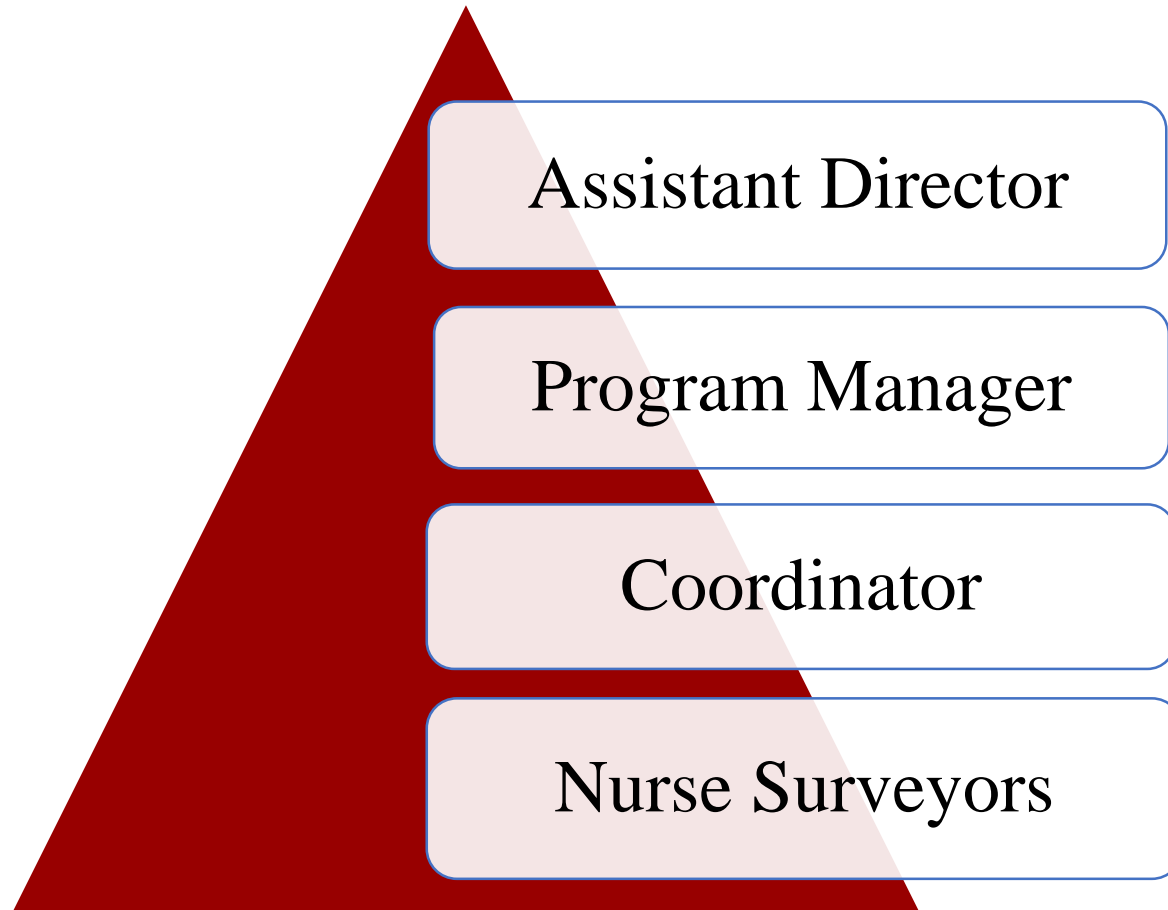
Home Health Agency (HHA) —

- While a Residential Service Agency provides services in a patient or client's home, it is not a home health agency.
- Home Health Agencies provide a higher level of care and are held to more stringent regulations.
- Home Health Agencies participate in the Medicare program and with health insurance companies.

Home Health Agency (HHA) —

- HHA is an entity that provides centrally administered skilled nursing services, home health aide services, and at least one other home health care service.
- If an entity fits the definition of a HHA, then it must obtain a license as an HHA— not an RSA license.
- You must obtain a Certificate of Need from the Maryland Health Care Commission before applying for a HHA license.

OHCQ Staff for RSAs



OHCQ Survey Data for RSAs —

Units of Measurement	FY 16	FY 17	FY 18
Licensed residential service agencies	1,139	1,201	1,165
Initial surveys of new providers	94	84	124
Full surveys	12	27	5
Follow-up surveys	10	6	6
Complaint investigations	37	41	193

RSA Deficiencies – FY 18

State Tag	Description	Number of Citations
10.07.05.10	Employee, Independent Contractor, Contractual	71
10.07.05.01	Purpose	34
10.07.05.12	Services Provided	33
10.07.05.10	Employee, Independent Contractor, Contractual	27
10.07.05.12	Services Provided	27
10.07.05.04	Licensing Procedures	23
10.07.05.06	Public Representation	22
10.07.05.09	Complaint Process	21
10.07.05.14	Clinical Records	20
10.07.05.16	Clients Rights and Responsibilities	19

Code of Maryland Regulations (COMAR)

- RSA regulations are in **COMAR 10.07.05**
 - www.dsd.state.md.us
 - Division of State Documents
 - 410-974-2486, ext. 3876
 - 800-633-9657, ext. 3876
 - Public library:
<http://www.dsd.state.md.us/Depositories.html#top>

RSA Licensure Application

RSA Dashboard




Office of Health Care Quality Residential Service Agencies Dashboard

Protecting the health and safety of Marylanders across the health care continuum

RSA Licensee Directory

- [Licensee Directory \(PDF\)](#)
- [Licensee Directory \(Word\)](#)
- [Licensee Directory \(Excel\)](#)

Statistics About RSAs

Number of licensed RSAs: 1,200

Number of new RSAs in FY 17: 84

Frequently Asked Questions



Transmittals

- [OHCQ](#)
- [Medicaid](#)

Licensure Application



To File a Complaint

[Paper Complaint Form](#)

[Online Complaint Form](#)

Call 410-402-8040 or 800-492-6005

Residential Service Agencies

A residential service agency (RSA) is a business that employs or contracts with individuals to provide at least one home health care service for compensation to an unrelated sick or disabled individual. It excludes home health agencies, Medicaid personal care providers, and household or family support services.

There are several types of RSAs that may provide a variety of services. Some agencies have both nurses that provide skilled nursing care and certified caregivers that provide assistance with activities of daily living, such as bathing, grooming, and dressing. Individuals can contract with private duty agencies for as many hours as needed, including overnight care of 24 hours, 7 days a week. Other RSAs provide physical therapy, occupational therapy or speech therapy. Some RSAs provide durable medical equipment (DME), including wheelchairs, hospital beds, CPAP machines, and oxygen.

Note that a Home Health Agency (HHA) is an entity that provides skilled nursing services, home health aide services, and at least one other home health care service, all of which services are centrally administered. An RSA may only provide two of these services, such as skilled nursing with aides or physical and occupational therapy. If an entity fits the definition of a home health agency, then it must be licensed as a home health agency and may not instead choose to obtain an RSA license. In Maryland, home health agencies require a certification of need (CON) from the Maryland Health Care Commission prior to licensure.

Regulations (COMAR 10.07.05)

Online: <http://www.dsd.state.md.us>

Phone: 410-974-2486, extension 3876
800-633-9657, extension 3876

Available at public libraries
[Find your nearest public library](#)

Links to Websites

- [Worker's Compensation](#)
- [Nurse Practice Act](#)
- [Maryland Board of Nursing](#)
- [MD Department of Transportation](#)
- [Medicaid Fraud Control Unit](#)

Links to Resources

- [Medicaid Supports Planning](#)
- [Maryland Labor Board](#)
- [Maryland Access Point](#)
- [Maryland Health Care Commission](#)

Information About the Survey Process

Licensure Survey Process

Complaint Survey Process

Adding a New Service

Maryland-National Capital Homecare Association

MNCHA is a trade association for home health, home care, home medical equipment providers and associated businesses. MNCHA's mission is to support the providers who care for patient's in their homes. Support includes educational events, networking, and legislative support through collaboration with officials on the state and federal level. For more information, visit <https://mncha.org/>

[Click here to contact the RSA Team](#)

RSA Licensure Application

smartsheet

Residential Service Agency Licensure Application

Use this form to submit your application for a Residential Service Agency license. Completed applications that are submitted electronically take 2 - 3 months to process. If no email address is provided or if a paper application is submitted, the application will take 4 - 6 months to process.

Name of RSA Applying for Licensure *

Type of RSA

☐ RN with aides, no medication management

☐ RN with aides, medication management

☐ RN and LPN complex care with aides

☐ Nurses without aides

☐ Rehab services

☐ DME, accredited

☐ DME, not accredited

Name of Contact Person *

Position of Contact Person *

Email of Contact Person *

If no email address is provided, your application will take an additional 2 - 3 months to process

Phone Number of Contact Person *

Backup Phone Number of Contact Person

File Attachments

Upload the following documents:

1. Completed application

2. Organizational chart

3. Policies and procedures

4. Sample personnel file

5. Sample patient file

6. Scope of services

7. Worker's compensation documentation

file name

Upload

Attestation: By clicking the box below, I attest that all of the information in the application and in the uploaded documents is true and correct

☐

☐ Send me a copy of my responses

Submit

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Contact the RSA Team

smartsheet

Contact the RSA Team

Name

Name of RSA, if applicable

If you want to be contacted via email, please enter your email address

If you want to be contacted by phone, please enter your phone number

Category *

- ☐ License application
- ☐ Provisional license
- ☐ Survey
- ☐ Other

Enter your question or comment below *

To file a complaint about an RSA, please click the link below:
<https://fs30.forms.site.com/OHCQ/OnlineComplaintForm/index.html>

☐ Send me a copy of my responses

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RSA Application Process

- Read all application instructions
- Keep your original documents
- Submit all required documents



Required Sections

- General Information
- Ownership and Background
- Workers' Compensation
- RSA Services
- Branch Offices
- Affidavit

Required Attachments

1. Completed application
2. Organizational chart
3. Policies and procedures as listed in COMAR 10.07.05
4. Sample personnel file
5. Sample patient files for adult and pediatric patients
6. Business Plan – scope of services
7. Proof of workers' compensation

Required Attachments

1. List of licensed and non-licensed personnel
(Identify positions held, and include verification of license or certification)
2. Policies and procedures
3. Sample files
4. Disclosures of Criminal Charges/Convictions
5. Business plan
6. Workers' compensation

Required Attachments

1. Disclosure of criminal charges/convictions for all owners with more than 25 percent ownership
2. Business plan
3. Proof of workers' compensation
4. Evidence that your company's corporate and trade name, if applicable, are registered and in good standing with the Maryland Department of Assessments and Taxation
5. Proof of accreditation

Workers' Compensation

- If your agency does not have workers' compensation insurance **and** does not have any employees:
 - Submit a Letter of Exemption (sole proprietorship or partnership) **or**
 - Certificate of Compliance (corporation or LLC) from the Certificate of Compliance Coordinator at the Workers' Compensation Commission
- Workers' Compensation Commission:
410-864-5100
www.wcc.state.md.us

Policies and Procedures

- Date of approval by governing body
- Title or subject of the policy
- Policy statement
- Purpose of the policy
- Procedures
 - Define who, when, and where

Job Descriptions

- Date of approval by governing body
- Position title
- Position to which this job title reports
- Qualifications
 - Educational and experience
- Credential requirements
- Job responsibilities

Branch Office

- A branch office is a satellite office of an RSA that is operated by the same person, corporation, or other business entity that manages the parent RSA
- A branch office has the same:
 - Ownership tax identification number
 - Upper-level management
 - Policies and procedures; and
 - Provides services within the same geographic area as the parent RSA

Policies and Procedures

Policies and Procedures

- Governing Body – 10.07.05.08
 - Who is the governing body?
 - Meets annually
 - Document meeting minutes
- Quality Assurance – 10.07.05.07 and 10.07.05.08
 - A quality assurance process is required

Policies and Procedures

- Scope of Services – 10.07.05.08
 - Who are your clients?
 - What services are provided?
 - May include geographical area
- Billing and Reimbursement – 10.07.05.08
 - Signed contract must include the costs of all services

Policies and Procedures

- Personnel Files – 10.07.05.10
- Screening at the time of hire includes:
 - Evaluation and demonstration of skills
 - Criminal background check
 - Verification of work history
 - Verification of license and/or certification, as applicable
 - I-9 form
 - TB screening
 - Hepatitis B

Policies and Procedures

- Staff Training – 10.07.05.11
 - CPR
 - Infection control
 - hand washing, annual OSHA training, personal protective equipment
 - Record keeping
 - Ethical behavior
 - Prevention of abuse and neglect
- Patient and Care Giver training

Policies and Procedures

- Patient Rights – 10.07.05.16
- Patient Care Plan is based on the patient's and, if applicable, the family's decisions
- Adult and Child Protective Services
- Maryland State Hotline Number: 1-800-492-6005

Policies and Procedures

- Compliance with Maryland's Nurse Practice Act
 - Know the regulations for all licensed and certified staff (COMAR 10.07.05.12)
- Board of Nursing website: www.mbon.org



Policies and Procedures

- Patient Assessments – 10.07.05.12
- Initial admission assessment by RN or health care professional (i.e., physical therapist) providing the care
- Frequency of patient assessments

Policies and Procedures

- Provision of Care – 10.07.05.12
- Patient Care based on Contract:
 - Level 1: personal care
- Patient Care based on Physician Orders:
 - Level 2: medication administration
 - Level 3: complex care (large wounds, IV therapy, ventilator care)
 - RSA Other: DME services, PT, OT, etc.

Policies and Procedures

- Supervision of Clinical Staff – 10.07.05.12
 - RN supervision
 - Frequency of supervisory visit
- Record Maintenance – 10.07.05.15
 - Patient records
 - Staff records
 - Storage

Policies and Procedures

- Signed Informed Consent – 10.07.05.12
- Patient or Caregiver needs to be informed of:
 - Who signs the consent
 - Patient rights and responsibilities
 - All financial charges
 - Use of unlicensed aides
 - 10.07.05.10 (D 1, 2, 3)
 - 10.07.05.16 (F)

Policies and Procedures

- Waiver Options –
COMAR 10.07.05.12 & 10.07.05.16
- Only the **cognitively capable adult client** may sign the waiver to omit skilled care by the RN
- Only the **cognitively capable adult client** may sign the waiver to omit skilled services by the Certified Nursing Assistant (CNA)

Policies and Procedures

- Both waiver options **never** permit medication administration by Certified Nursing Assistants or unlicensed aides.

See COMAR 10.05.07.12D and F

Policies and Procedures

- Clinical Records – 10.07.05.14
 - Patient assessment
 - Physician orders
 - Advance directives assessment
 - Care notes

Policies and Procedures

- On-Call Process – 10.07.05.12
 - Return calls in 60 minutes or less
 - Document all patient care calls in a log
- Complaint and Incident Process – 10.07.05.09
 - Investigation
 - Resolution
 - Documentation
 - Quality assurance
 - Inform patient/caregiver of complaint process

Policies and Procedures

- Durable Medical Equipment Agency – 10.07.05.19
- Follows all RSA regulations with a few exceptions:
 - No advance directives
 - No IV therapy
 - No ventilator care

Denial of Application

- OHCQ may deny an RSA application if:
 - After 12 months there is no response from the provider or
 - After 3 unacceptable reviews of revised policies and procedures

RSA – Skilled Nursing with Aides

Provisional Licensing

90-Day Provisional License

- Upon receipt of a formal letter of approval of your application from OHCQ, you must:
 - Implement required policies and procedures
 - Market for the required three clients and personnel
 - Submit a signed **Statement of Readiness**

90-Day Provisional License

- If not already submitted or if revised, submit with the Statement of Readiness:
 - Signed contract between your company and the RN you hired
 - List of licensed and non-licensed personnel, if applicable, as well as verification of license and certification
 - Organizational chart

90-Day Provisional License —

- Within 45 days, you must admit 3 patients who will receive at least 6 visits each of skilled nursing or aide services
- An OHCQ nurse surveyor will conduct an unannounced, on-site survey once you have admitted 3 patients on or after the 45th day
- You must have a regular license (not provisional) to apply to receive Medicaid reimbursement

90-Day Provisional License

By law, OHCQ may **not** grant extensions for a provisional license.



Survey Process

Initial On-Site Survey

1. Review of written policies and procedures
2. Observation of clinical record management
3. Review of personnel files
4. Review of patient rights information
5. Review of internal complaint documentation
6. Review of clinical records
7. Interviews with agency staff
8. Home visits or telephone interviews with patients
9. Review of the quality assurance plan documentation

Initial On-Site Survey

- Survey findings are documented in a written report called the **Statement of Deficiencies (SOD)**
 - If there are no deficiencies, you are in compliance
 - If there are deficiencies, you will receive a SOD listing the details of the non-compliance with the corresponding regulations
 - Then you must complete an acceptable Plan of Correction (POC) to receive your license

Resources

- Requirements for nurse supervision of Certified Nursing Aides and medicine aides:

Maryland Board of Nursing

410-585-1900

1-888-202-9861

- Questions about how to set up a business, developing a business plan, or marketing:

Maryland Small Business

Development Center

1-877-787-7232

Questions and Answers



Our common ground is the people we serve.

